

Request for Proposals
Nonprofit Capital Facilities Program
Chicopee, Massachusetts
Community Development Block Grant
Program Year 2016-2017

Mayor Richard J. Kos
City of Chicopee



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I. Program Summary

Nonprofit Capital Facilities Program Description:

The City of Chicopee, through this Request for Proposals (RFP) invites proposals from nonprofit agencies for the use of Federal Community Development Block Grant (CDBG) funds for capital improvements to facilities that serve eligible CDBG clientele, including low – and moderate – income (LMI) and limited clientele (LMC) households. CDBG regulations stipulate that the facility must be open to the public free of charge during normal hours of operation. Funds awarded through this competition must be used for rehabilitation of or improvements to an existing facility for the purpose of preserving or expanding existing service capacity. The City of Chicopee is seeking applications for projects that can be completed by June 30, 2017. While the City anticipates that individual awards will not exceed \$25,000 per project, the City reserves the right to award more on a case by case basis.

The proposed facility must be located with the City of Chicopee and serve Chicopee residents. Funding will be available for capital improvement for non-profit agencies which own, or are currently in a long term lease for the building they are proposing for rehabilitation or improvement. The proposed project should increase or prevent the loss of service capacity. Increased or preserved service capacity may be demonstrated based on the number of clients served, the extent, relevance or quality of the services provided.

Projects will be selected based on agency capacity and experience, impact of proposed rehabilitation/facility improvements on the services provided, readiness to proceed and financial feasibility. Applications will be accepted and awards made on a rolling basis. Agencies are encouraged to apply only when they are sufficiently ready to proceed.

Proposals must include information regarding the agency, proposed project description and its impact, accurate rehabilitation proposals and other issues outlined in the RFP. This RFP is an open, competitive process to award available resources; submission of a proposal does not guarantee funding. All applicants must be in good standing with the federal agencies, Commonwealth of Massachusetts and the City of Chicopee.

The RFP is made available via the City of Chicopee's Department of Community Development.

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II. CDBG Program Requirements

The award and expenditure of federal CDBG funds requires documented compliance with all CDBG regulations, often referred to as Cross-Cutting regulations. The following program requirements are intended as an overview of these requirements, but for complete guidance on applicable federal regulations, applicants are urged to review material found at: <https://www.gpo.gov/fdsys/granule/FR-1996-02-09/96-2702>

1. Environmental Reviews

The City is required to conduct an environmental review (ER) for all selected projects. Environmental reviews are required to comply with National Environmental Policy Act (NEPA) and HUD's enforcement measures. The ER review includes a number of factors that may impact HUD approval. Specifically,

- age of the building;
- proximity to a 100-year floodplain;
- proximity to explosive hazards;
- noise;
- other hazards and impacts; and the
- extent and nature of proposed rehabilitation/facility improvements.

The time required for the ER process depends on these factors. The City cannot enter into an agreement or release any funds to a project prior to completion of the ER process and HUD's approval. Until receipt of HUD's approval, rehabilitation cannot begin even if the non-profit intends to utilize other sources of funds. Commencement of any work immediately disqualifies the project for CDBG assistance.

2. Program Beneficiaries

Public facilities funded by CDBG should serve low and moderate income persons. The CDBG regulations stipulate that the proposing facility benefit a specific targeted group of persons, of which at least fifty-one percent (51%) must be low- and moderate-income. This can be achieved by meeting one of the following criteria:

- Serving at least fifty-one percent (51%) LMI, as evidenced by documentation and data concerning beneficiary family size and income.
- Having income-eligibility requirements that limit the service to persons meeting the LMI income requirement, as evidenced by the administering agency's procedures, intake/application forms and other sources of documentation;

- Serving a group primarily presumed to be LMI such as abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; or
- Being of such a nature and in a location that it may be concluded that the activity's clientele are Low and Moderate Income.

3. Agency Reporting

Funded Agencies will be required to maintain written documentation on unduplicated low-income clients (including income, race & ethnicity data, disability status, and head of household status). The beneficiary data will be required to be submitted by the agency at the time of project completion for the previous twelve (12) month period, and annually thereafter for a period of two (2) years.

4. Procurement

All procurements, regardless of dollar amount, must be conducted to provide open and free competition. Procurement procedures should avoid any provisions that would restrict or eliminate competition. Some of the situations considered to be restrictive of competition include:

- Placing unreasonable requirements on firms in order for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive awards to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

The "essence of good procurement" can be summarized as follows:

- Identify and clearly specify rehabilitation scope and materials;
- Seek competitive offers to obtain the best possible quality at the best possible price;
- Use a written agreement that clearly states the responsibilities of each party; and
- Have a method to ensure rehabilitation is completed in accordance with the specifications.

Procurement should result in a contract with the responsible bidder whose proposal is most advantageous to the project, with price and other factors considered. Agencies may use their own procurement procedures as long as the procedures are compliant with all applicable Federal, State and local laws and regulations.

Agencies must maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the funded agency shall participate in selection, or in the award supported by Federal funds if a conflict of interest, real or apparent, would be involved.

5. Davis Bacon Wage Requirements:

The Davis-Bacon Act requires that all contractors and subcontractors performing on federal contracts (and contractors or subcontractors performing on federally assisted contracts under the related Acts) in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits listed in the contract's Davis-Bacon wage determination for corresponding classes of laborers and mechanics employed on similar projects in the area. Davis-Bacon labor standards clauses must be included in covered contracts.

- Apprentices may be employed at less than predetermined rates if they are in an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department. Trainees may be employed at less than predetermined rates if they are in a training program certified by the Department.
- Contractors in excess of \$100,000 are required, pursuant to the Contract Work Hours and Safety Standards Act, to pay employees one and one-half times their basic rates of pay for all hours over 40 worked on covered contract work in a work-week. Covered contractors and subcontractors are also required to pay employees weekly and to submit weekly certified payroll records to the contracting agency.
- For more information, please review:
<https://www.dol.gov/whd/govcontracts/dbra.htm> .

Davis Bacon rates must be incorporated into the procurement packet and upon approval, are to be included into a final rehabilitation contract. Proposing agencies are responsible for compliance of all hired contractors, and CDBG funds will only be released upon receipt of certified payroll that documents compliance of Davis Bacon wage rates.

6. Minority and Women Business Participation Requirements

The proposing agencies are required to take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps shall include:

- i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

- iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- v. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

Funded agencies will be required to demonstrate and document outreach efforts as to report on Minority and Woman Business participation accomplishments. Prior to release of final reimbursement payment agencies will be required to submit HUD's MWBE Participation Form 2516 found at portal.hud.gov/hudportal/documents/huddoc?id=DOC_36660.xls

7. Equal Opportunity Clause

All funded agencies must include within their rehabilitation contracts, the following equal opportunity clause:

“The contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order

11246 of Sept. 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

4. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967 and with the rules, regulations, and relevant orders of the Secretary of Labor.

5. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965 as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his/her books, records, and accounts by the contracting agency, City of Chicopee, HUD, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, the contract may be cancelled, terminated, or suspended in whole or in part and the contract may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965 as amended, and such other sanctions may be imposed or remedies invoked as provided in Executive Order No. 11246 of September 24, 1965 as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

7. The contractor will include the provisions of paragraphs 1 through 7 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965 as amended, so that such provisions will be binding upon each subcontract or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency and/or City of Chicopee may direct as a means of enforcing such provisions, including sanctions for noncompliance."

8. Debarment, Suspended or Ineligible Contractors

Persons who have been declared debarred or suspended from participation in federally funded programs, by a federal government agency, are ineligible for participation in the CDBG program. The List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the federal government includes contractors that have been found in serious violation of federal labor standards or other requirements, and therefore have been debarred, suspended, or otherwise declared ineligible for participation in federally assisted construction projects. The List of Parties Excluded from Federal Procurement and Nonprocurement Programs is maintained by the U.S. General Services Administration and may be obtained at www.epls.gov.

9. The Use of Volunteers and In-Kind Contributions

The use of volunteers, who are not otherwise employed by the organization or contractor, requires approval by the City of Chicopee Office of Community Development in advance. The rationale for requiring City approval is that depending upon the scope of the work to be performed by volunteer's certain state licensing requirements will apply. Pre-approval by the City applies specifically where volunteers are performing trade work (such as electrical and plumbing).

Volunteers contributing in-kind services by performing trade work must be licensed and in good standing with Commonwealth of Massachusetts Department of Public Safety.

In-kind contributions must have a specific dollar value established in accordance with generally accepted accounting principles. The basis of determining the value for personal services and donated materials and supplies must be identified and documented in the proposal.

10. Rehabilitation Standards

All rehabilitation work must be completed in accordance with existing building codes. In addition, all permitted work will require permits & inspections by the City or other agency.

The Office of Community Development will conduct on-site monitoring visits throughout the project. All funds are paid out on a reimbursement basis unless otherwise approved by the Office of Community Development.

11. Accessibility Requirement

Handicapped accessibility improvements must comply with Section 504, the Uniform Federal Accessibility Standard, Fair Housing Amendments, the Americans with Disabilities Act, and state and local codes for accessibility.

12. Sustainable Building Techniques

Projects funded are encouraged to have the smallest impact on the environment possible. Organizations should consider utilizing recycled, less toxic, energy efficient, and bio-based products in their construction project.

In cases where the demolition of a current structure is a part of the project, agencies should consider the impact to the environment discarded materials would have and investigate the feasibility of reuse or recycling these materials.

Agencies should also incorporate into their project as many elements as possible from the Leadership in Energy and Environmental Design (LEED) Building Rating System.

13. Insurance Requirement

The proposing entity shall, before commencing performance of the project, be responsible for providing and maintaining insurance coverage in force for the life of the agreement of the kind and in adequate amounts to secure all of the obligations under the agreement and with insurance companies licensed to write insurance in the Commonwealth of Massachusetts.

14. Federal Funding Accountability and Transparency Act of 2006 (FFATA)

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) and associated amendments requires that information on sub-awards related to Federal contracts, sub-contracts, grants, and sub-grants be made publicly available. Specifically, the Transparency Act's section 2(b)(1) requires the Office of Management and Budget to establish a publicly available website that contains the following information about each Federal award:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the Catalog of Federal Domestic Assistance number, program source, descriptive award title;
- Location of the entity receiving the award and primary location of performance under the award including City, State, congressional district, and country;
- Unique identifier (Dun & Bradstreet DUNS Number) of the entity receiving the award and the parent recipient of the recipient, should the entity be owned by another entity; and
- Names and total compensation of the five most highly compensate officers of the entity, if the entity in the preceding fiscal year received 80% or more of its annual gross revenues in Federal awards; and \$25 million or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

Vendors awarded funds will be required to provide this information prior to the issuance of a contract.

15. Ineligible Activities

Ineligible activities include:

- CDBG funds may not be used to pay for the operation, repair, or maintenance.
- Buildings or portions thereof, used for the general conduct of government cannot be assisted with CDBG funds...except for the removal of architectural barriers per 24 CFR 570.207 (a).
- Funds may not be used to improve areas that will be utilized for inherently religious activities, such as worship, religious instruction, or proselytizing, as a part of the

program. Inherently religious activities must be offered separately, in time or location, from the programs, activities, or services supported by CDBG funds.

III. Submittal Requirements

All proposals, one (1) original, five (5) copies and one (1) digital copy must be received at the City of Chicopee's Department of Community Development. This is a rolling application process.

Michael Vedovelli
Director of Community & Economic Development
38 Center Street
Chicopee, MA 01013
(413) 594-1489
mvedovelli@chicopeema.gov

Proposals should be submitted, clearly marked on the outside as follows: "City of Chicopee, Nonprofit Capital Facilities Program"

All inquiries must be made via e-mail and responses, if required, will be sent to all proposers of record. **Inquiries received later than ten (10) business days before the deadline for the receipt of proposals will not be considered.**

Submittal Requirements:

1. The **Cover letter** is not to exceed two pages prepared on the proposing entity's business stationary. The letter should contain a brief statement that the proposer is responding to the City of Chicopee's RFP. Other items outlined in the letter include:
 - Company name, Federal Tax ID number, DUN number;
 - Contact person, address, telephone number and email address;
 - A statement that all terms and conditions contained in the proposal are valid for 180 days from the proposal closing date;
 - Statement that the attached proposal is complete as submitted; and
 - The letter must be signed by a representative who is authorized to contractually obligate the proposer.
2. **Project Narrative**
 - Description of agency – including mission, history, and primary activities and history
 - Description of the program(s) that will benefit from the proposed rehabilitation. Provide details of current services and service numbers and how the proposed rehabilitation will maintain or expand the agency's ability to provide services.

- Description of facility including location, ownership and lien holder interests.
- Scope of proposed rehabilitation and/or facility improvements. Provide all architectural, engineering, and environmental reports available.
- Photos of facility and proposed project area

3. Project Feasibility

- Rehabilitation Budget including source and status of all funds needed to undertake proposed rehabilitation. Provide the basis for the budget if competitive procurement has not been completed.
- Procurement Methodology Utilized (or to be utilized for contractor selection) Include the Bid Documents including wage rates, Invited Contractor List, and MWBE and Section 3 Outreach efforts.
- Summary of Bids Received and Contractor selected (if procurement completed)
- Project Schedule

4. Attachments

- Most recent audited financial statement and organizational budget
- Copy of 501 (c) 3 certificate
- Certificate of good standing with Commonwealth of MA (DOR link)
- Current list of Board of Directors
- Agency Conflict of Interest Policy
- Copy of property Deed or Lease

IV. Evaluation/Selection Process

The City of Chicopee will establish a Selection Committee to review submitted proposals. Proposals will be evaluated for responsiveness to the Minimum Qualifications, the proposing entity's stated qualifications and the quality of responses requested as part of the Narrative Submission. Compliance with Minimum Qualifications will be rated either "Responsive" or "Non-responsive." A proposing entity that receives a Non-responsive rating for a Minimum Qualification may be disqualified from further evaluation.

In addition, the City may consider any and all relevant information regarding the proposing entity known to the City and any other criteria that may be set forth in the City's RFP.

In reviewing proposals, the Selection Committee reserves the right to conduct interviews of selected proposing entities, at its discretion. The City of Chicopee may request that supplementary information be furnished to assure the City that a proposing entity has the technical competence, the business and technical organization, and the financial resources adequate to successfully complete the proposed project.

The City reserves the right to reject any and all proposals, waive informalities and to recommend a proposing entity as may be in the best interest of the City. All proposals, materials, documents and other materials submitted in conjunction with the selection process shall become the property of the City and shall be considered public information.

V. Additional Program Requirements

Selected Entity's Comprehensive General Public Liability and Property Damage Liability Insurance

The selected entity shall carry Comprehensive Standard General Liability Insurance for its employees at sufficient levels to cover all damages incurred or caused by contracted employees of the selected entity. The City of Chicopee must be named as an additional insured and as a certificate holder on each of the insurance policies or surety bonds obtained. Upon execution of the agreement, the selected entity will provide copies of certificates of insurance to the City. All insurance coverage shall be placed with such company as may be acceptable to the City of Chicopee.

The selected entity shall indemnify, defend and hold harmless the City of Chicopee, its elected or duly appointed offices, directors and employees, against liability, losses, damages or expenses (including legal expenses) resulting from any claim based upon negligent or intentional acts or omissions of the provider, its employees or its agents in providing its services to employees of the municipality or their dependents pursuant to the agreement.

Public Records

All responses and related documents submitted in response to this RFP may be considered public records and as such be subject to the Massachusetts Public Records Law, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7 subsection 26. Any statements in submitted responses that are inconsistent with these statutes will be disregarded.

Proposing entities are encouraged to familiarize themselves with the Massachusetts Public Records Law before submitting a response. Any request for confidential treatment of information must be included in the response. The proposing entity must enumerate the specific grounds in the Public Records Law which support treatment of the material as exempt from disclosure and explain why disclosure is not in the best interest of the public. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the proposing entity to respond to any inquiries by the City of Chicopee concerning the confidential status of the materials.

Any response submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Identification of the entire proposal as confidential may be deemed non-responsive and may disqualify the proposing entity. If the proposing entity designates any portion of the RFP as

confidential, the proposing entity must submit one copy of the proposal from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in Section II “Instructions to Proposing Entities.” The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the proposal as possible.

Proposing entities should note that M.G.L. c.4, § 7 subsection 26 paragraph (a) provides an exemption for materials or data that are “specifically or by necessary implication exempted from disclosure by statute.” Proposing entities should review any applicable statute and any applicable regulations and determine whether such provision provides an exemption from disclosure “by necessary implication.” All determinations concerning whether responses and/or related documents submitted in response to this RFP are subject to disclosure under the Massachusetts Public Records Law will be made by the City in its sole discretion.

Verification of Responses

The City reserves the right to verify information provided within proposals. The Selection Committee may, during its evaluations, contact any references provided in the proposal.

Information from Other Sources

The City reserves the right to obtain and consider information from other sources regarding the proposing entity and its capability and performances under existing long-term lease agreements or the operation of similar facilities.

Criminal History and Background Investigation

The City reserves the right, through local, state and/or federal agencies and/or through Consultants to conduct criminal history and other background investigations of all proposing entities, the entities’ officers, directors, owners, shareholder and/or partners. Additionally, the City may also consider such investigations for managerial and supervisory personnel retained by the proposing entity.

Non-Collusion & Tax Certification

Proposing entities declare that, as of the date of this proposal, no City official or employee, directly or indirectly, has a financial interest in this agreement and furthermore, the selected entity pledges that it will notify the Mayor in writing should any City official or employee acquire, directly or indirectly, a financial interest in this agreement. The proposing entity further declares that as of the date of this proposal, it has not given or donated or promised to give or donate, directly or indirectly, to any official or employee of the City, or to anyone else, for his/her benefit, any sum of money or any other thing of value, for aid or assistance in obtaining any contract with the City of Chicopee.

The proposing entity certifies that under pains and penalties of perjury and pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, that all state tax returns have been filed and that all state taxes have been paid as required by law.